UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,243	10/16/2001	Ashish Prakash	005693.P006X	8578

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NETWORK APPLIANCE/BLAKELY
12400 WILSHIRE BLVD
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EXAMINER
GIANOLA, JOHN F

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Office Action Summary	Application No.	Applicant(s)
		09/982,243	PRAKASH ET AL.
		Examiner	Art Unit
		John F Gianola	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>16 October 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>21-45</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>21-45</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>12 February 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
  application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>20011016</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

1.   Claims 21-45 have been examined.

2.   Claims 21-45 have been rejected.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 21, 22, 27, 32, 33, 34, and 45 are rejected under 35 U.S.C. 102(b) as

being anticipated by McCreery et. al. "Apparatus and Method of Analyzing Internet

Activity" (US Pat. No. 5,787,253).

5.   With regards to Claim 21, McCreery et. al. disclose:

A user interface to allow a user to select a protocol, to select for logging some or

all of a plurality of fields for the protocol that may be present in a message from a

remote node, and to specify a sequence in which the selected fields are to

appear in a log file (see column 7, lines 60-67 and lines 7-16; column 5, lines 30-

42; and column 2, lines 32-36);

A first data structure for storing a value indicating a position in the user specified

sequence for each selected field (inherent in column 7 lines 60-67 and lines 7-

16);

A protocol independent log module to receive information from an application

module, store the information in a second data structure, and store a reference to

the information for each selected field stored in the second data structure in a

location of third data structure that corresponds to the position in the user-

specified sequence for the corresponding field (see column 2, lines 16-20 and

lines 46-49; as well as column 7, lines 27-32 and lines 51-59; and column 5, lines

30-35); and

A log file wherein the information for each selected field from the second data

structure is sequentially written using the reference from the third data structure

(see column 7, lines 64-67 and column 5, lines 36-43).

6.   With respect to Claim 22, McCreery et. al. disclose:

Wherein the application module is protocol specific and obtains information for

each selected field associated with the message (see column 6, lines 32-41).

7.   With respect to Claim 27, McCreery et. al. disclose:

providing a user interface to allow a user to select for logging some or all of a

plurality of fields that may be present in a message from a remote node and to

specify a sequence in which the selected fields are to appear in a log file (see

column 7, lines 60-67 and lines 7-16; column 5, lines 30-43; and column 2, lines 32-36);

storing in a first data structure a value indicating the position in the user-specified sequence of each selected field (inherent in column 7, lines 60-67 and 7-16; column 5, lines 30-42; and column 2, lines 32-36);

in response to a message received over a network from a remote node, obtaining information for each selected field associated with the message and storing the information in a second data structure, in a sequence independent of the user-specified sequence, storing in a third data structure, based on the first data structure, a reference to the information for each selected field stored in the second data structure, including storing each reference in a location of the third data structure that corresponds to the position in the user-specified sequence of the corresponding field (see column 2, lines 16-20 and lines 46-49; as well as column 7, lines 27-32 and lines 51-59; and column 5, lines 30-43) ; and

using the third data structure to output the information for each selected field in the second data structure to a log file, such that the information for each selected field appears in the log file according to the user-specified sequence (see column 7, lines 64-67 and column 5, lines 36-43).

8.   With regards to Claim 32, McCreery et. al. discloses:

Wherein the first data structure persists through logging for a plurality of

message received from remote nodes (inherent in column 5, lines 36-42 and

column 7, lines 60-67).

9.   With regards to Claim 33, McCreery et. al. disclose:

The method of claim 27, wherein using the third data structure to output the

information further comprises sequentially accessing the third data structure to

read the position of the information corresponding to each selected field and

accessing the second data structure to read information corresponding to each

selected field at the position indicated by the reference (see column 7, lines 60-

61 and lines 51-53).

10.   With regards to Claim 34, McCreery et. al. disclose:

a user interface to allow a user to select a protocol, to select for logging some or

all of a plurality of fields of a message from a remote node, the fields depending

upon a protocol of the message, and to specify a sequence in which the selected

fields are to appear in a log file (see column 7, lines 10-16 and lines 60-67;

column 5, lines 30-43);

a protocol specific application module to obtain information for each selected field

associated with the message (see column 6, lines 32-41);

a protocol independent log module to receive information for each selected field

from the protocol specific application module and to store the information for

each selected field in a log file in the sequence specified by the user (see column

5, lines 30-43; column 2, lines 16-20 and 46-49; and column 7, lines 27-32 and

51-59).

11.   With regards to Claim 45, McCreery discloses:

providing a user interface to allow a user to select for logging some or all of a

plurality of fields of a message from a remote node, the fields dependent upon a

protocol used to convey the message, and to specify a sequence in which the

selected fields are to appear in a log file (see column 7, lines 10-16 and lines 60-

67; as well as column 5, lines 30-42);

storing in a first data structure a value indicating a position in the user-specified

sequence for each selected field (see column 7, lines 7-9);

in response to a message received over a network from a remote node,

obtaining information for each selected field associated with the message

and storing the information in a second data structure, in a sequence

independent

of the user specified sequence (see column 5, lines 30-35);

storing in a third data structure, based on the first data structure, a reference to

the information for each selected field stored in the second data structure,

including storing each reference in a location of the third data structure that

corresponds to the position in the user-specified sequence of the corresponding

field (see column 5, lines 36-42); and

using the third data structure to output the information for each selected filed in

the second data structure to a log file, such that the information for each selected

field appears in the log file according to the user-specified sequence (see column

5, lines 36-42).

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

13.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

14.   Claims 24, 26, 29, 30, 31, 35, 37, 39, 40, 42, 43, and 44 are rejected under 35

U.S.C. 103(a) as being unpatentable over McCreery et. al.

15.   As to Claim 35, McCreery et. al. disclose the following:

a user interface to allow a user to select for logging some or all of a plurality of

fields that may be present in a message from a remote node, wherein the user is

allowed to specify a sequence in which the selected fields are to be subsequently

output in a log tile, and wherein the user-specified sequence of each selected

field is stored in a first data structure (see column 7, lines 10-16 and lines 60-67;

column 5, lines 37-43);

an application module to receive the message from the remote node, to access

the first data structure to determine if a field is to be logged and the sequence in

which the selected fields are to be stored in the log tile, and to send information

for each selected field associated with the message along with the sequence

number for that field to a log module (see column 5, lines 30-42);

the log module to receive information corresponding with each selected field and

the sequence of the information for each selected field from the application

module, to store information corresponding with each selected field in the second

data structure, and to store in the third data structure a reference to the position

of information for each field in the second data structure, each reference being

stored in a location of the third data structure corresponding to the user specified

sequence of each selected field;

a log file wherein the information for each selected field from the second data

structure is sequentially written using the reference in the third data structure

(see column 2, lines 16-20 and lines 46-49; as well as column 7, lines 27-32 and

lines 51-67; and column 5, lines 30-35).

However, McCreery et. al. discloses neither a setup or destroy module to dynamically

create and destroy a second data structure nor ASCII representations of fields.

However McCreery et. al. do disclose the use of buffers to hold data structures. Official

Notice is hereby taken that buffers are temporary data structures that are created when

needed and destroyed when no longer needed. Inherent in this definition is a module

that dynamically creates and destroys data structures. McCreery et. al. also describe

storing character, symbolic, and numeric data in a computer system. Official Notice is

also hereby taken that ASCII is a computing standard for storing characters, symbols,

and numbers in a binary format. It would have been obvious to one of ordinary skill in

the art at the time of the invention to combine the invention of McCreery et. al. with the

technique of using temporary buffers in order to conserve computing memory. It also

would have been obvious to one of ordinary skill in the art at the time of the invention to

use the ASCII standard with McCreery's invention in order to allow other programs to

view stored data.

16.   As for Claims 40 and 44, McCreery et. al. disclose the following:

providing a user interface to allow a user to select for logging some or all of a

plurality of fields that may be present in a message from a remote node and to

specify a sequence in which the selected fields are to appear in a log file

(inherent in column 7, lines 60-67; as well as column 5, lines 30-42; and column

2, lines 32-36);

storing in a first data structure a value indicating a position in the user-specified

sequence for each selected field (inherent in column 7, lines 60-67; as well as

column 5, lines 30-42; and column 2, lines 32-36);

receiving a message over a network from a remote node (see column 7, lines 27-

32);

creating a second data structure and a third data structure to correspond to the

received message (see column 2, lines 16-20, 32-36, and lines 46-49; as well as

column 7, lines 27-32 and lines 51-59; and column 5, lines 30-35);

examining the first data structure to determine which fields to extract (inherent in

column 5, lines 30-43; column 2, lines 16-20, 32-36, and 46-49; and column 7,

lines 7-16 and lines 60-67);

extracting information for each selected field from the message (see column 5,

lines 30-43; column 2, lines 16-20, 32-36, and 46-49; and column 7, lines 7-16

and lines 60-67).

McCreery et. al. also disclose storing character, symbolic, and number information,

temporary second and third data structures, and using those data structures to produce

log text files and reports according to a user configuration. McCreery et. al, however, do

not disclose the use of ASCII for storing information. As noted above, ASCII is a

computing standard for storing characters, symbols, and numbers in a binary format. It

would have been obvious to one of ordinary skill in the art at the time of the invention to use the ASCII standard with McCreery's invention in order to allow other programs to view stored data. McCreery et. al. also do not disclose specifically creating and removing the data in the second and third data structures. They do, though, disclose the use of buffers to hold this data. As noted above, a buffer is used for temporary data storage. Inherent in this definition is creating and destroying the data structures inside of the buffer. It would have been obvious to one of ordinary skill in the art at the time of the invention to use temporary buffers in the invention of McCreery et. al. in order to conserve computing memory.

17.   As to Claims 24, 30, 37, and 43, McCreery et. al. disclose the limitations of Claims 21, 27, 35, and 40 as noted above. McCreery et. al. disclose user-configured output of logging activity (see column 7, lines 60-67 and column 5, lines 37-42) which inherently contains a data structure with user-specified values. However, McCreery et. al. do not disclose this data structure as being pre-initialized with flags. Official Notice is hereby taken that the use of pre-initialized data structures to handle and monitor changes to those data structures (in this case, the changes are the user input) is a technique in common practice. It would have been obvious to one of ordinary skill in the art at the time of the invention to use pre-initialized data structures in McCreery's invention in order efficiently handle user input.

18.   As for Claims 26 and 39, McCreery et. al. disclose the limitations of Claims 21

and 35 as noted above. McCreery et. al. disclose an interface for their invention, but not

necessarily a command line interface. Official Notice is hereby taken that the use of

command line interfaces for convenient user input is a technique in common practice. It

would have been obvious to one of ordinary skill in the art at the time of the invention in

order to use a command line interface in the invention of McCreery et. al. in order to

allow the invention to conveniently handle user input.

19.   As to Claims 29 and 42, McCreery et. al. discloses the use of binary

representations of character data of variable length (see column 7, lines 33-40 and

column 8, lines 20-23), but not the use of ASCII. According to the Official Notice taken

above, ASCII is a standard for storing characters, symbols, and numbers in a binary

format. It would have obvious to one of ordinary skill in the art at the time of the

invention to store the variable length characters in ASCII in order to use a standard that

allows other applications to view the stored data.

20.   As to Claim 31, McCreery et. al. disclose the use of a second (see column 2,

lines 32-36; column 7, lines 27-32) and third data structure (see column 2, lines 46-49;

column 7, lines 51-59). While McCreery describes these data structures as buffers, he

does not specifically address their creation and destruction. According to the Official

Notice taken above, a buffer is taken that buffers are temporary data structures that are

created when needed and destroyed when no longer needed. It would have been

obvious to one of ordinary skill in the art at the time of the invention to implement the

data buffers in the invention of McCreery et. al. in the form of temporary data buffer

structures in order to lower memory requirements.

21.   Claims 23, 25, 28, 36, 38, and 41 are rejected under 35 U.S.C. 103(a) as being

unpatentable over McCreery et. al. in view of Eckstein et. al. ("Java Swing" see the

attached Notice of References Cited).

22.   As to Claims 23, 28, 36, and 41, McCreery et. al. disclose the limitations of

Claims 21, 27, 35 and 40 as noted above. McCreery et. al. disclose a user interface, but

not an interface where new fields can be added. Eckstein et. al., on the other hand,

disclose a user interface where new fields can be added by the user at any time (see

Section 7.7 "The JcomboBox Class" lines 7-9). It would have obvious to one of ordinary

skill in the art at the time of the invention to use the interface concept of Eckstein et. al.

in the invention of McCreery et. al. invention in order to use the Java Swing

programming structures as the user interface.

23.   As to Claims 25 and 38, McCreery et. al. disclose the limitations of Claims 21

and 35 as noted above. McCreery et. al. disclose a user interface to configure their

invention, but not necessarily a graphical user-interface. Eckstein et. al. disclose a

graphical interface. It would have obvious to one of ordinary skill in the art at the time of

the invention to combine the invention of McCreery et. al. with the interface of Eckstein

et. al. in order to improve ease of use.

Conclusion

24.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. This includes: Rothschild and Riedel "Method, System and

Computer Program Product for Adaptive Logging" (PCT No. WO 00/47003).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John F Gianola whose telephone number is (571)272-

3848. The examiner can normally be reached on Mon - Fri (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jack Harvey can be reached at (571)272-3896. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

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more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

jfg

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